

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>JAVON MARSHALL, et al.,</b>	)	
	)	<b>Civil Action No. 3:14-cv-1945</b>
<b>Plaintiffs,</b>	)	
	)	<b>Chief District Judge Kevin H. Sharp</b>
<b>v.</b>	)	
	)	<b>ORAL ARGUMENT REQUESTED</b>
<b>ESPN INC., et al.,</b>	)	<b>JURY DEMAND</b>
	)	
<b>Defendants.</b>	)	

---

**NOTICE OF FILING CASE LAW IN SUPPORT OF DEFENDANTS'  
REPLY MEMORANDUM OF LAW IN SUPPORT OF MOTION TO STAY  
DISCOVERY PENDING RESOLUTION OF MOTIONS TO DISMISS**

---

Pursuant to Local Rule 7.01(e), Defendants submit the following cases in support of Defendants' Reply Memorandum of Law in Support of Motion To Stay Discovery Pending Resolution of Motions To Dismiss:

1. Order Granting Defendants' Joint Motion to Stay Discovery, *Collins v. Mortg. Elec. Registration Sys., Inc.*, No. 3:11-0264 (M.D. Tenn. Dec. 23, 2011), Dkt. No. 80.
2. *Schmaltz v. Smithkline Beecham Corp.*, No. 08-cv-00119-WDM-MEH, 2008 WL 3845260 (D. Colo. Aug. 15, 2008).
3. *Sims v. First Horizon Nat'l Corp.*, No. 08-2293-STA-cgc, 2009 WL 1789090 (W.D. Tenn. June 23, 2009).
4. Proposed Initial Case Management Order, *Smartvue Corp. v. Mistral Software PVT, Ltd.*, No. 3:11-1145 (M.D. Tenn. Jan 20, 2012), Dkt. No. 14.
5. Order Granting Stay of Discovery Pending Resolution of Motion to Dismiss, *Smartvue Corp. v. Mistral Software PVT, Ltd.*, No. 3:11-0264 (M.D. Tenn. Feb. 6, 2012), Dkt. No. 18.

Dated: January 13, 2015

Respectfully submitted,

/s/ Evan R. Chesler (w/ permission by SDL)

**CRAVATH, SWAINE & MOORE LLP**

Evan R. Chesler  
echesler@cravath.com  
Roger G. Brooks  
rgbrooks@cravath.com  
J. Wesley Earnhardt  
wearnhardt@cravath.com  
825 Eighth Avenue  
New York, NY 10019  
Tel: (212) 474-1000  
Fax: (212) 474-3700

- and -

**LEVINE SULLIVAN KOCH  
& SCHULTZ, LLP**

Nathan E. Siegel  
NSiegel@lskslaw.com  
1899 L Street, NW  
Suite 200  
Washington, DC 20036  
Tel: (202) 508-1184

- and -

**BRADLEY ARANT BOULT CUMMINGS LLP**

Samuel David Lipshie  
slipshie@babco.com  
Joel D. Eckert  
jeckert@babco.com  
1600 Division Street  
Suite 700  
Nashville, TN 37203-0025  
Tel: (615) 244-2582  
Fax: (615) 252-6380

*Attorneys for Defendants ESPN Inc., ABC, Inc., ESPN  
d/b/a SEC Network and ESPN d/b/a Longhorn  
Network*

/s/ James W. Quinn (w/ permission by SDL)

**WEIL, GOTSHAL & MANGES LLP**

James W. Quinn

james.quinn@weil.com

Yehudah L. Buchweitz

yehudah.buchweitz@weil.com

Eric S. Hochstadt

eric.hochstadt@weil.com

767 Fifth Avenue

New York, NY 10153

Tel: (212) 310-8000

Fax: (212) 310-8007

- and -

**BASS, BERRY & SIMS PLC**

R. Dale Grimes

dgrimes@bassberry.com

Jeffrey P. Yarbrow

jyarbro@bassberry.com

150 Third Avenue South

Suite 2800

Nashville, TN 37201

Tel: (615) 742-6200

*Attorneys for Defendant CBS Broadcasting Inc.*

/s/ Aruthur J. Burke (w/ permission by SDL)

**DAVIS POLK & WARDWELL LLP**

Arthur J. Burke

arthur.burke@davispolk.com

Dana M. Seshens

dana.seshens@davispolk.com

450 Lexington Avenue

New York, NY 10017

Tel: (212) 450-4000

Fax: (212) 701-5800

- and -

**DAVIS WRIGHT TREMAINE LLP**

Kelli L. Sager

kellisager@dwt.com

865 Figueroa Street, Suite 2400

Los Angeles, CA 90017

Tel: (213) 633-6800

Fax: (213) 633-6899

- and -

**BASS, BERRY & SIMS PLC**

R. Dale Grimes

dgrimes@bassberry.com

Jeffrey P. Yarbrow

jyarbro@bassberry.com

150 Third Avenue South

Suite 2800

Nashville, TN 37201

Tel: (615) 742-6200

*Attorneys for Defendant NBCUniversal Media, LLC*

*(sued as National Broadcasting Company, Inc.)*

/s/ Kevin T. Baine (w/ permission by SDL)

**WILLIAMS & CONNOLLY LLP**

Kevin T. Baine

kbaine@wc.com

John E. Schmidtlein

jschmidtlein@wc.com

Thomas G. Hentoff

thentoff@wc.com

Carl R. Metz

cmetz@wc.com

725 12th Street, NW

Washington, DC 20005

Tel: (202) 434-5000

Fax: (202) 434-5029

- and -

**HAL D. HARDIN**

halhardin@aol.com

211 Union Street

Suite 200

Nashville, TN 37201

Tel: (615) 369-3377

*Attorneys for Defendants Fox Broadcasting Company  
(sued as FOX, Inc.) and Big Ten Network, LLC  
(sued as Big Ten Network Services, LLC)*

/s/ D. Erik Albright (w/ permission by SDL)  
**SMITH MOORE LEATHERWOOD LLP**

D. Erik Albright  
Erik.Albright@smithmoorelaw.com  
Gregory G. Holland  
Greg.Holland@smithmoorelaw.com  
300 North Greene Street  
Suite 1400  
Greensboro, NC 27401  
Tel: (336) 378-5200  
Fax: (336) 378-5400

Jonathan P. Heyl  
Jon.Heyl@smithmoorelaw.com  
101 North Tryon Street  
Suite 1300  
Charlotte, NC 28246  
Tel: (704) 384-2600  
Fax: (704) 384-2800

- and -

**HARWELL, HOWARD, HYNE, GABBERT &  
MANNER, P.C.**

David Alexander Fardon  
daf@h3gm.com  
333 Commerce Street  
Suite 1500  
Nashville, TN 37201  
Tel: (615) 256-0500  
Fax: (615) 251-1059

*Attorneys for Defendant Atlantic Coast Conference*

/s/ Richard J. Favretto (w/ permission by SDL)

**MAYER BROWN LLP**

Richard J. Favretto  
rfavretto@mayerbrown.com  
1999 K Street, NW  
Washington, DC 20006  
Tel: (202) 263-3000  
Fax: (202) 263-3300

Andrew S. Rosenman  
arosenman@mayerbrown.com  
Britt Marie Miller  
bmiller@mayerbrown.com  
71 S. Wacker Drive  
Chicago, IL 60606  
Tel: (312) 782-0600  
Fax: (312) 701-7711

- and -

**BOWEN HAYES & KREISBERG, PLC**

Jay Scott Bowen  
jay@bowenhayes.com  
William V. Parsons, III  
will@bowenhayes.com  
47 Music Square East  
Nashville, TN 37203  
Tel: (615) 329-4440  
Fax: (615) 329-4485

*Attorneys for Defendant The Big Ten Conference, Inc.*

/s/ Leane K. Capps (w/ permission by SDL)

**POLSINELLI P.C.**

Leane K. Capps  
lcapps@polsinelli.com  
2501 N. Harwood  
Suite 1900  
Dallas, TX 75201  
Tel: (214) 397-0030  
Fax: (214) 397-0033

Amy D. Fitts  
afitts@polsinelli.com  
Brett Randol  
brandol@polsinelli.com  
900 W. 48th Place  
Suite 900  
Kansas City, MO 64112  
Tel: (816) 753-1000  
Fax: (816) 753-1536

- and -

**LEITNER, WILLIAMS, DOOLEY &  
NAPOLITAN PLLC**

Reid Daniel Leitner  
reid.leitner@leitnerfirm.com  
J. Gregory Grisham  
greg.grisham@leitnerfirm.com  
414 Union Street  
Suite 1900  
Nashville, TN 37219  
Tel: (615) 255-7722  
Fax: (615) 780-2210

*Attorneys for Defendants Big 12 Conference and  
Conference USA*



/s/ Scott P. Cooper (w/ permission by SDL)

**PROSKAUER ROSE LLP**

Scott P. Cooper

scooper@proskauer.com

Jennifer L. Jones

jljones@proskauer.com

Sarah Kroll-Rosenbaum

skroll-rosenbaum@proskauer.com

2049 Century Park East

Suite 3200

Los Angeles, CA 90067

Tel: (310) 557-2900

Fax: (310) 557-2193

- and -

**RILEY WARNOCK & JACOBSON PLC**

John R. Jacobson

jjacobson@rwjplc.com

James N. Bowen

jimbowen@rwjplc.com

1906 West End Avenue

Nashville, TN 37203

Tel: (615) 320-3700

*Attorneys for Defendants Pac-12 Conference (sued as  
Pacific-12 Conference) and Big East Conference,  
Inc.*

/s/ Aubrey B. Harwell, Jr. (w/ permission by SDL)

**NEAL & HARWELL, PLC**

Aubrey B. Harwell, Jr.

aharwell@nealharwell.com

James F. Sanders

jsanders@nealharwell.com

J. Isaac Sanders

isanders@nealharwell.com

One Nashville Place, Suite 2000

150 Fourth Avenue North

Nashville, TN 37219

Tel: (615) 244-1713

Fax: (615) 726-0573

- and -

**ROBINSON BRADSHAW & HINSON, P.A.**

Robert W. Fuller

rfuller@rbh.com

Mark W. Merritt

mmerritt@rbh.com

101 North Tryon Street

Suite 1900

Charlotte, NC 28246

Tel: (704) 377-2546

Fax: (704) 378-4000

*Attorneys for Defendant Southeastern Conference*

/s/ Margaret L. Behm (w/ permission by SDL)

**DODSON PARKER BEHM & CAPPARELLA PC**

Margaret L. Behm

behm@dodsonparker.com

Tyler Chance Yarbrow

tyarbrow@dodsonparker.com

1310 Sixth Avenue North

Nashville, TN 37208

Tel: (615) 254-2291

Fax: (615) 726-2241

*Attorneys for Defendant Ohio Valley Conference*

/s/ Robert C. Walters (w/ permission by SDL)

**GIBSON, DUNN & CRUTCHER**

Robert C. Walters

rwalters@gibsondunn.com

Brian E. Robison

brobison@gibsondunn.com

2100 McKinney Avenue

Suite 1100

Dallas, TX 75201

Tel: (214) 698-3100

Fax: (214) 571-2900

- and -

**BAKER, DONELSON, BEARMAN, CALDWELL  
& BERKOWITZ, PC**

John S. Hicks

jhicks@bakerdonelson.com

211 Commerce Street

Suite 800

Nashville, TN 37201

Tel: (615) 726-5600

Walker W. Jones, III

wjones@bakerdonelson.com

W. Scott Welch

swelch@bakerdonelson.com

P.O. Box 14167

Jackson, MS 39236-4167

Tel: (601) 351-2400

Fax: (601) 351-2424

*Attorneys for Defendant Outfront Media Sports, Inc.  
(f/k/a CBS Collegiate Sports Properties, Inc.)*

/s/ Louis P. Petrich (w/ permission by SDL)

**LEOPOLD, PETRICH & SMITH, P.C.**

Louis P. Petrich

lpetrich@lpsla.com

Daniel M. Mayeda

dmayeda@lpsla.com

2049 Century Park East, Suite 3110

Los Angeles, CA 90067

Tel: (310) 277-3333

Fax: (310) 277-7444

- and -

**EVERHART LAW FIRM PLC**

Amy J. Everhart

amy@everhartlawfirm.com

Maria A. Spear

maria@everhartlawfirm.com

1400 Fifth Avenue North

Nashville, TN 37208

Tel: (615) 800-8919

Fax: (615) 800-8918

*Attorneys for Defendant JMI Sports LLC*

/s/ Walker W. Jones, III (w/ permission by SDL)  
**BAKER, DONELSON, BEARMAN, CALDWELL  
& BERKOWITZ, PC**

Walker W. Jones, III  
wjones@bakerdonelson.com  
W. Scott Welch  
swelch@bakerdonelson.com  
Samuel D. Gregory  
sdgregory@bakerdonelson.com  
P.O. Box 14167  
Jackson, MS 39236-4167  
Tel: (601) 351-2400  
Fax: (601) 351-2424

John S. Hicks  
jhicks@bakerdonelson.com  
211 Commerce Street  
Suite 800  
Nashville, TN 37201  
Tel: (615) 726-5600

*Attorneys for Defendant TeleSouth Communications,  
Inc.*

/s/ Robb S. Harvey (w/ permission by SDL)  
**WALLER, LANSDEN, DORTCH & DAVIS, LLP**

Robb S. Harvey  
robb.harvey@wallerlaw.com  
Nashville City Center  
511 Union Street  
Suite 2700  
Nashville, TN 37219  
Tel: (615) 244-6380  
Fax: (615) 244-6804

*Attorney for Defendant T3 Media, Inc.*

/s/ Thomas M. Melsheimer (w/ permission by SDL)

**FISH & RICHARDSON P.C.**

Thomas M. Melsheimer

melsheimer@fr.com

Thomas B. Walsh, IV

walsh@fr.com

M. Brett Johnson

johnson@fr.com

1717 Main Street

Suite 5000

Dallas, TX 75201

Tel: (214) 747-5070

Fax: (214) 747-2091

- and -

**WISEMAN ASHWORTH LAW GROUP PLC**

Gail Vaughn Ashworth

gail@wisemanashworth.com

511 Union Street

Suite 800

Nashville, TN 37219-1734

Tel: (615) 254-1877

Fax: (615) 254-1878

*Attorneys for Defendant Learfield Sports LLC*

/s/ Richard L. Stone (w/ permission by SDL)

**JENNER & BLOCK LLP**

Richard L. Stone  
rstone@jenner.com  
David R. Singer  
dsinger@jenner.com  
633 West 5th Street Suite 3600  
Los Angeles, CA 90071-2054  
Tel: (213) 239-5100  
Fax: (213) 239-5199

Kenneth L. Doroshow  
kdoroshow@jenner.com  
1099 New York Avenue, NW  
Suite 900  
Washington, DC 20001-4412  
Tel: (202) 639-6027  
Fax: (202) 661-4855

- and -

**SIMS FUNK, PLC**

W. Scott Sims  
ssims@simsfunk.com  
3310 West End Avenue  
Suite 410  
Nashville, TN 37203  
Tel: (615) 292-9335  
Fax: (615) 649-8565

*Attorneys for Defendants IMG Worldwide, LLC, IMG  
College, LLC, and William Morris Endeavor  
Entertainment, LLC*

The Filing User hereby represents that all signatories hereto agree to the filing of this document.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13th day of January, 2015, a true and correct copy of the foregoing document was filed electronically with the U.S. District Court for the Middle District of Tennessee. Notice of this filing was served via the court's electronic filing system on counsel listed below:

Attorneys for Plaintiffs Steven Clarke, Chris Conner, Javon Marshall, Patrick Miller, Byron Moore, Chaz Moore, Sean Parker, Eric Samuels, Marlon Walls and Rod Wilks	
<b>BONE, MCALLESTER NORTON PLLC</b> Stephen J. Zralek szralek@bonelaw.com John P. Branham jbranham@bonelaw.com 511 Union Street, Suite 1600 Nashville, TN 37219 Tel: (615) 259-5508 telephone	<b>STEWART, JOHNSON, CONNER &amp; MANSON, LLP</b> Richard Manson Ronald A. Stewart 215 2nd Avenue North Suite 300 Nashville, TN 37201
<b>MCMURTRAY LAW FIRM, PLLC</b> Patrick D. McMurtray P. O. Box 80 Christiana, TN 37037	

/s/ Samuel D. Lipshie